THE HON'BLE MR JUSTICE D.S.R.VARMA

AND

THE HON'BLE MR JUSTICE V.ESWARIAH

WRIT APPEAL No:80 of 2006

Between:

M/s.Leo Meridian Resorts and Developers (Pvt) Limited.

.. Appellant

and

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Government of Andhra Pradesh,

Rep. by its Special Chief Secretary

Revenue (ASN.V) Department and others.

.. Respondents

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JUDGMENT: (***per Hon'ble Sri Justice V.Eswariah***)

This Writ Appeal is filed against the order dated 15-12-2005 passed in W.P.No.26233 of 2005.

Heard the learned counsel appearing for the appellant, learned Government Pleader appearing for respondents 1 to 4 and Sri Vedula Venkataramana appearing

for respondents 5 and 6.

Respondent Nos.5 and 6 herein filed W.P.No.26233 of 2005 to declare the action of the Government in suggesting a compromise between the parties as per para 18 of the G.O.Rt.No.2039, dated 24-10-2005 as illegal and arbitrary. While dismissing the said writ petition, as it is a misconceived one, certain observations have been made by this Court, as regards para 18 of the said Government Order, that the Government did not vary the order or suggest any compromise in the matter and that it had only confirmed the orders of the District Collector.

Learned counsel appearing for the appellant-5th respondent in the writ petition submits that the observation of the learned Single Judge that the Government did not vary the order or suggest any compromise in the matter, is incorrect and contrary to the specific observations made in para 18 of the aforesaid Government Order. He submitted that without hearing the 5th respondent therein, the said writ petition was dismissed making certain observations and therefore, he was constrained to file this Writ Appeal. He further submitted that questioning the G.O.RT.No.2039, dated 24-10-2005, the appellant filed W.P.No.46 of 2006 on the file of this court and this court, while admitting the said writ petition, by an order, dated 03-01-2006, granted interim stay of demolition of the compound wall.

As W.P.No.46 of 2006 filed by the appellant herein is admitted and pending, and W.P.No.26233 of 2005 filed by respondent Nos.5 and 6 herein was dismissed with certain observations, without hearing the appellant-5th respondent therein, we are of the opinion that it is just and proper to set aside the order passed by the learned Single Judge.

Without expressing any opinion on the merits of the case, the order in W.P.No.26233 of 2005 is set aside and the same is restored to its file, and admitted and posted along with W.P.No.46 of 2006.

With the above directions, the Writ Appeal is disposed of. No order as to costs.

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10-01-2006

Prv/Dr